(2) 95-927

Supreme Court, U.S.
FILED
DEC 13
CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1995

IN THE MATTER OF A MEMBER OF THE BAR
OF THE SUPREME COURT OF DELAWARE:
SAMUEL L. GUY, ESQUIRE

ON PETITION FOR
A WRIT OF CERTIORARI TO

SUPREME COURT OF THE
STATE OF DELAWARE

PETITION FOR WRIT OF CERTIORARI
VOLUME II(APPENDIX)

SAMUEL L. GUY, ESQ., PRO SE
P.O. BOX 25464
WILMINGTON, DELAWARE 19899
(302) 656-4655

48 pp

INDEX TO APPENDICES

APPENDIX A
September 13, 1995 decision of the Delaware Supreme Court
APPENDIX B
April 10, 1995 decision of the Board On Professional Responsibility
APPENDIX C
October 5, 1992 letter from ODC to Samuel Guy
APPENDIX D
October 7, 1992 letter from Samuel Guy to the Chief Justice
APPENDIX E
October 8, 1992 letter from Delaware Supreme Court to Samuel Guy
APPENDIX F
October 21, 1992 letter from ODC to Samuel Guy
APPENDIX G
October 22, 1992 letter from Samuel Guy to ODC
APPENDIX H
Petition For Discipline
APPENDIX I
Response To Petition For Discipline

APPENDIX J
April 12, 1995 letter of appeal to the Delaware Supreme court stating OBJECTIONS to Board Case No. 55
APPENDIX K
May 8, 1995 opening brief and appendix to Delaware Supreme Court
APPENDIX L
May 16, 1995 letter from the Delaware Supreme Court accepting May 8, 1995 communication as the opening brief and Appendix

IN THE SUPREME COURT OF
THE STATE OF DELAWARE
IN THE MATTER OF A)
MEMBER OF THE BAR OF THE) No.
SUPREME COURT OF) 138,
DELAWARE:) 1995
SAMUEL L. GUY, ESQUIRE)
Submitted: September 12, 1995
Decided: September 13, 1995
Before WALSH, HOLLAND and BERGER, Justices.

ORDER

This 13th day of September, 1995, it appears to the Court as follows:

1) The Board on Professional Responsibility filed a final report with this Court on April 13, 1995.

2) The Respondent, Samuel L. Guy, filed objections to the Board's report. the Respondent declined to file a brief or appendix to support his objections. Disciplinary Counsel has replied to the Respondent's objections.

3) The Court has concluded that the recommendations in the

Board's final report are supported by the evidence and the product of a logical deductive process.

NOW, THEREFORE, IT IS ORDERED, that the final report of the Board on Professional Responsibility, is hereby APPROVED. This matter is hereby CLOSED.

BY THE COURT:

s/ Randy Holland

Justice

BOARD OF PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER OF THE BAR OF THE SUPREME COURT OF DELAWARE: SAMUEL L. GUY, ESQUIRE RESPONDENT.	) BOARD) CASE NO.) 55, 1992

REPORT OF THE BOARD ON SANCTIONS

This is a report of the Board on Professional Responsibility("Board") following a hearing held March 1, 1995 on matters of aggravation and of mitigation for the Board's consideration in imposing or recommending an appropriate sanction.

The Board ruled on April 27, 1994 that the facts alleged in the Petition for Discipline were deemed to have been admitted, and directed the parties to file briefs as to the conclusions of law to be drawn from the facts as to the four charges alleged in the Petition.

The ODC filed a timely memorandum in support of disciplinary violations in accordance with the brief schedule. The Respondent filed a Motion for a hearing on the merits of the charges on May 11, 1994. The Board held a hearing on the Respondent's motion on June 13, 1994, and denied Respondents's motion. The Board then extended the time for the Respondent to file a memorandum to July 1, 1994 on the conclusions of law to be drawn from the facts. The Respondent did not file a memorandum.

The Board entered a ruling August 25, 1995 that the facts stated in the Petition that was filed August 2, 1993 were established by clear and convincing evidence that the Respondent violated the four charges set out in the Petition that occurred in October and November 1992 as follows:

1.DLRPC Rule 3.5(c) for engaging in

undignified or discourteous conduct that is degrading to a tribunal.
2.DLRPC Rule 8.2 for making statements with reckless disregard to their truth of falsity concerning the integrity of a judge.
3.DLRPC Rule 8.4(d) for engaging in conduct that is prejudicial to the administration of justice.
4.DLRPC Rule 8.1(b) for failing to respond to a lawful demand for information from a disciplinary authority.

The August 25, 1994, ruling by the Board sets out its findings and conclusions which will not be restated.

The O.D.C. has made a recommendation that at a minimum the Respondent should receive a public reprimand with a condition that the Respondent make an apology to the Chief Justice.

The aggravating circumstances alleged are other disciplinary violations of the Respondent, his lack of remorse, and the

Respondent's lack of cooperation with disciplinary counsel.

The ODC has pointed out the most concern that the office has had with the Respondent is his lack of cooperation with the ODC.

The ODC has put into the record that the Respondent has been sanctioned four times by either the Board or Delaware Supreme Court by two private admonitions and two public reprimands. All of those disciplinary orders were entered subsequent to the time that the charges in this case occurred.

Respondent was given a public reprimand in consolidated Board Cases 14 and 18, 1992. The Respondent was found to have violated Rule 1.3 for lack of diligence in Board Case 14; and Rule 1.1 for lack of competence; Rule 3.4(c) for the failure to abide by obligations to a tribunal; and Rule 8.4(d) for conduct prejudicial to the administration of justice in Board Case 18. The Board filed its

report January 27, 1994. the Supreme Court ordered a reprimand, may 5, 1994. The conduct in Case 14 occurred on January 7, 1992; the conduct in Case 18 occurred on May 13, 1992

The Respondent was given a private admonition in Board case 41 for violation of Rule 3.4(c) for violating an obligation to a tribunal, Rule 8.4(d) for conduct prejudicial to the administration of justice, and Rule 1.1(b) for failure to cooperate with disciplinary counsel by a Board report dated August 13, 1993. Those charges stemmed from conduct that occurred on August 5, 1992 and around October 15, 1992.

Respondent was given a private admonition in Board Case 33, 1993 for violation of Rule 1.15(a), dealing with maintenance of books and records violations by a report, dated February 22, 1995. the conduct occurred between September and December 1993.

The Respondent was given a public reprimand in Board Case 46, 1993 for violating Rule 8.1(b) for failure to cooperate with disciplinary counsel. The conduct occurred on May 25, 1993, June 24, 1993, and July through August, 1993. The Board filed a report October 14, 1994, and the Supreme Court entered an Order approving the report November 14, 1994

The chronology of the other charges is such that only Cases 14 and 18 dealt with conduct occurring prior to the charge in this case and the charges in Case 41 occurred at or about the same time the time of the charges in this case. Put in this context the Board considers the other violations did not occur at a time to forewarn the Respondent of the danger involved by his conduct in this case.

The Respondent's violation of Rule 3.5(c) for conduct disruptive to a tribunal and violation of Rule 8.2 for making statements with

reckless disregard to their truth or falsity concerning the integrity of a judge is the Respondent's first occasion to violate those rules.

A mitigating factor is the lack of experience of the Respondent before the bar. He was admitted to the Bar June 5, 1989. The ODC has informed the Board that the compliance check with the Client Security Trust Fund has been satisfactorily resolved. The ODC's letter to the Respondent of October 5, 1992, dealing with the scheduling of the trustees of the Client Security Trust Fund, was the initial event of the circumstances pertaining to the charge set out in this matter.

Respondent's position was that the letter was directed to the Chief Justice as the administrative head of the court on an administrative complaint against the O.D.C and the Client Security Trust Fund. He stated that to be sanction for the letter is a violation of his right

to free speech; and that it is part of a racial conspiracy.

The Board raised the question whether Rule 3.5(c) would pertain to the conduct in respect to the Respondent's letter to the Chief Justice. The Board has ruled that such conduct did come within the rule for the reason that the letter was written during an ongoing proceeding by the ODC and the Lawyers Fund for Client Protection.

A question was raised as to whether Rule 8.4(d) raises a constitutional objection as to vagueness. The Board pointed out in its prior ruling that although there does not appear to be any Delaware cases with facts similar to those of this case, other jurisdictions have found such conduct to be prejudicial to the administration of justice under Rule 8.4(d).

Questions were raised to whether the Respondent's letter to the Chief Justice came within the purview of rule 8.2. The Board has

made a ruling that it does. It pointed out in its opinion that there are no Delaware cases that construe DLRPC 8.2, but other jurisdictions have found such conduct does violate the rule. ODC has acknowledged that there are constitutional implications to that Rule

The Board gave the Respondent the opportunity to address the conclusions of law derived from the facts set out in the charges. The Respondent did not file a memorandum. The Board concluded that the Respondent abandoned any objections as the sufficiency or validity of the charge.

The Board, however, takes into account that there are legitimate constitutional implications to DLRPC Rule 8.2, 8.4(d), and to the application of Rule 3.5(c); and that the Respondent sent the letter to the Chief Justice under the belief that he had a legitimate right to make a complaint.

The Board concludes that any claim that the Respondent was the subject of a racial conspiracy is without foundation.

Under these circumstances the Board considers that a public reprimand is an appropriate sanction.

The decision of the Board is pursuant to BPR Rule 8(a)(5) that the Respondent be given a public reprimand with a condition that the Respondent make an apology to the Honorable E. Norman Veasey, Chief Justice of the Supreme Court of the State of Delaware and that the Respondent pay the costs of the proceedings.

DATED: April 10, 1995

s/ Jackson Dunlap

Jackson R. Dunlap, Jr., Esq., Chair

cc: David-Curtis Glebe, Disciplinary Counsel
Samuel L. Guy, Esquire
Harvey Rubenstein, Esquire
Mr. Halsey Knapp
Ben T. Castle, Esquire

Steven J. Rothchild, Esquire

Office of Disciplinary Counsel
October 5, 1992
Samuel L. Guy, Esquire
2227 N. Market Street
P.O. Box 25464
Wilmington, DE 19802
Re: ODC File No. 92-10-1
Samuel L. Guy, Esquire
(Client's Security Trust Fund)
Dear Mr. Guy:

We have been advised by the Trustees of the Client's Security Trust Fund that they have been unable to arrange a compliance check of your books and records. Your cooperation with such a compliance check is mandatory.

Please advise me in writing by 5:00 p.m. on Wednesday, October 7, 1992 that you have scheduled such a review to occur on or before October 16, 1992. Failure to make and report such arrangements will necessitate immediate and potentially severe disciplinary action.

Very truly yours,

APPENDIX C

s/Charles Slanina
Charles Slanina
Disciplinary Counsel
CS:mrt
cc: The Honorable Joseph T. Walsh
Harold Schmittinger, Esquire
Chairman, Clients'
Security Trust Fund
Morton R. Kimmel, Esquire
Secretary, Clients'
Security Trust Fund

Samuel L. Guy
Attorney At Law
October 7, 1992
The Honorable E. Norman Veasey
Chief Justice
Delaware Supreme Court
Wilmington, DE 19801

RE: Conspiracy

Dear Justice Veasey:

I write you in response to the threats received from your subordinate, Charles Slanina who has manipulated the handling of my cases and had grouped several cases together that are unrelated such that there is no need for me attempt to refute the charges because it is clear he is cheating and acting dishonestly in regard to matters that I assert innocence.

I have carefully observed how every aspect of the Delaware Bar and Delaware Judiciary operates that I have been able to observe. With respect to most of it, I believe that blacks are not allowed unless they are willing to play the role of

being harmful to other blacks when this is needed.

It is apparent to me that the attached letter as well as several other related events are part of an conspiracy to prevent me from exercising several rights that I have. In the attached letter there is reference to a requirement that the Client Security Trust Fund be allowed to do a compliance check. Given the timing of the request and several other events, I am concerned that the following, or a subset thereof, charles Slanina, the Client Security Trust Fund and Judge Toliver and Victor Battaglia, his counsel in connection with his contempt citation against me, who was also my Counsel immediately after being found in contempt, are using the arms of the Delaware Supreme court in a way that it was not intended.

In connection with this, I find it very interesting how the Delaware Supreme Court through its arms, has

managed to allow there not to be a proper investigation of what may have been criminal acts on the part of a member of the Delaware Judiciary and instead has decided to conspire to harass me, one of the victims, in the form of not providing a mechanism for my direct appeal to be handled in a manner that would lead to justice and a record of the facts.

I do not believe I have any obligation to show anyone anything outside the scope of the "sham" reason set forth in the attached letter. Please accept this letter as a form complaint that the Client Security Trust Fund and Office of Disciplinary Counsel are misusing their authority for the personal benefit of members of the Delaware Bar and Judiciary as referenced above for the purpose of harassing me and depriving me my rights including those of a federal nature.

The Honorable E. Norman Veasey

You can not lead a historically racist institution or be a racist as many members in the Delaware Judiciary and Delaware Bar are and be counted on to dispense justice. By being new, you have an opportunity to clean up the mess. So far you have made it clear that you are going to allow racism to run rampant in the Delaware Courts and in the Delaware Bar, primarily through your failure to make it clear where you stand. I am very disappointed in you and there is no doubt in my mind that those who believe African-Americans have less rights clearly understand the message you have sent this far and will continue to engage in the traditional patterns of racism that have been established. You can't be blamed for what you inherited, but you are to blame if you let it continue.

If you are not the right person

to present this information to then I have to give up on Delaware and look to the federal government to dispense justice.

Sincerely,

s/ Samuel L. Guy

Samuel L. Guy, Esq.

SLG:bms

Supreme Court Of Delaware
October 8, 1992
Samuel L. Guy, Esquire
Suite 2, 2227 N. Market Street
Wilmington, DE 19802
Dear Mr. Guy:

This will acknowledge receipt of your letter of October 7, 1992 to the Chief Justice. As the letter represents an inappropriate communication with the Court over a pending matter between you and Disciplinary Counsel, I, as court Administrator, respond on behalf of the Court simply to acknowledge your letter.

In the event that disciplinary proceedings may come before the Supreme court in the future under the usual procedures, see In re Kennedy, Del. Supr., 442 A.2d 79(1981), it is inappropriate for the Chief Justice to comment and it is premature for him to take any action at this time.

Further, because your letter may be found to constitute a

violation of Rule 8.2 of the Delaware Lawyer's Rules of Professional Conduct, the Court is obliged to refer your letter to Disciplinary Counsel as the appropriate disciplinary body. See Canon 3 of the Delaware Judges' Code of Judicial Conduct.

Finally, the Court believes it is inappropriate for you to have any further direct communications with members of the Court about these matters unless and until there is a formal proceeding in the proper posture before this court.

Yours sincerely,

s/ Stephen D. Taylor

Stephen D. Taylor

SDT/jer

cc: The Honorable E. Norman Veasey
The Honorable Henry R. Horsey
The Honorable Andrew G. T. Moore, II
The Honorable Joseph T. Walsh
The Honorable Randy J. Holland
Charles Slanina, Esquire(w/enclosure)

Office Of Disciplinary Counsel
October 21, 1992
Samuel L. Guy, Esquire
Suite 2
2227 North Market Street
Wilmington, Delaware 19802

Re: ODC File No. 92-10-9
(Samuel L. Guy, Esquire)

Dear Mr. Guy:

The captioned disciplinary matter has been opened by this Office pursuant to our review of the enclosed documents, and under the authority given to this Office pursuant to Board on Professional Responsibility Rule 9(a). My initial review of this matter, as well as my review of the Delaware Lawyers' Rules of Professional Conduct(the "Rules"), raises concerns with respect to Rules 3.5, 8.2, and 8.4(d). Other Rules may be applicable.

Your written response to this matter is hereby solicited. i would appreciate your comments as to shy your conduct with respect to the

enclosed materials has or has not violated any of the rules. Please send your written response directly to me by Monday, November 16, 1992. Thank you for your cooperation with this Office.

Very Truly yours,

s/ David C. Johnson-Glebe

David C. Johnson-Glebe

Deputy Disciplinary Counsel

SAMUEL L. GUY
ATTORNEY AT LAW
October 22, 1992
David C. Johnson-Glebe
Deputy Disciplinary Counsel
ODC
831 Tatnall Street
P.O. Box 1808
Wilmington, DE 19899
RE: ODC File No. 92-10-9
(Samuel L. Guy, Esquire)
Dear Mr. Johnson-Glebe:

In response to your letter dated October 21, 1992, I can only ask why I, as the complainant, have not received a carbon copy of a letter indicating that you have begun to look into the concerns I have placed before Justice Veasey and which are now before you as a result of receiving a copy of my letter dated October 7, 1992. I forgot, in Delaware, by being black, my concerns do not matter.

How is it that in Mr. Slanina's letter dated October 5, 1992, he is able to carbon copy Justice Walsh

without Stephen Taylor judicially declaring that "the letter represents an inappropriate communication with the Court over a pending matter?" If Stephen Taylor did file a complaint against Mr. Slanina then I withdraw the question.

I would also like to know to whom I should forward my letter dated October 7, 1992. It has been explained to me that Justice Veasey has administrative control over the Judicial system.

I has been explained to me that several of your colleagues in the Delaware Bar and Judiciary do not want me practicing law in Delaware because I make the truth about the legal system, including the law, accessible to people who they do not want to have access. The price I will have to pay is constant attack such as that you and your colleague have been executing on behalf of others. Since physical slavery is over, this is the more modern method

of trying to keep blacks and other minorities down.

In case you did not know what was going on, the above is relayed to make sure you are aware. This eliminates the possibility of you, at some future date, saying you did not know.

One thing I have learned, racist organizations do not care how they reach the result, as long as it is the result they desire. With that thought in mind I will let the decision makers make their decision on this case.

Sincerely,
s/ Samuel L. Guy
Samuel L. Guy, Esq.
SLG:bms

BOARD ON PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF THE STATE OF DELAWARE

In the Matter of	)	
a Member of the Bar of	)	
the Supreme Court of	)	
the State of Delaware:	)	Board
	)	Case No.
SAMUEL L. GUY	)	55, 1992
	)	
Respondent.	)	

PETITION FOR DISCIPLINE

The Office of Disciplinary Counsel ... hereby petitions the Board ... to discipline the above-named Respondent, and submits in support thereof the following:

1. Samuel L. Guy, Esquire (the "Respondent") is a member of the Bar of the Supreme Court of the State of Delaware, having been admitted to practice in 1989.

2. At all times relevant to this Petition, the Respondent was engaged in the private practice of law in the State of Delaware.

3. On October 5, 1992, the OCD

delivered a letter to the Respondent dealing with the scheduling of a "compliance check" of the Respondent's books and records, as mandated under the Regulations of the Trustees of the then-named Clients' Security Trust Fund (now called the "Lawyers' Fund for Client Protection"); the ODC's letter warned the Respondent that his failure to arrange the required "compliance check" would result in disciplinary action against him.

4. In response to the ODC's letter, the Respondent sent a letter, dated October 7, 1992, to The Honorable E. Norman, Chief Justice of the Supreme Court of the State of Delaware (the "October 7 Letter").

5. In the October 7 Letter, the Respondent alleged that the Delaware Supreme Court "through its arms, has managed to allow there not to be a proper investigation of what may have been criminal acts on the part of a member of the Delaware

Judiciary and instead has decided to conspire to harass me...".

6. In the October 7 Letter, the Respondent directed the following statements to the Chief Justice in particular: "You can not lead a historically racist institution ... [SEE APPENDIX D for full text of excerpt] ... I have to give up on Delaware and look to the federal government to dispense justice."

7. In response to the October 7 Letter, Stephen D. Taylor, Court Administrator for the Delaware Supreme Court, sent a letter to the Respondent, dated October 8, 1992, acknowledging receipt of the October 7 Letter, and informing the Respondent that the October 7 Letter was being referred to the ODC for evaluation as a possible violation of the Delaware Lawyers' rules of Professional Conduct(the "Rules"); a copy of Mr. Taylor's letter was sent to the ODC.

8. In response to the possible

disciplinary issues arising from the Respondent's sending of the October 7 Letter, the ODC opened a disciplinary matter file, designated as "ODC File No. 92-10-9", and sent a letter to the Respondent, dated October 21, 1992 (the "First Request"), informing the Respondent that the matter was being evaluated by the ODC pursuant to Board Rule 9(a), and requesting that the Respondent provide a written response, by November 16, 1992, as to whether his conduct with respect to the sending of the October 7 Letter was a violation of Rules 3.5, 8.2, or 8.4(d).

9. On October 24, 1992, the ODC received a letter form the Respondent, dated October 22, 1992 (the "October 22 Letter"), stating that it was sent "in response" to the First Request.

10. The October 22 Letter contained, inter alia, various questions about the procedures in filing complaints against

disciplinary counsel, about who is properly copied on certain correspondence, and about the forwarding of such correspondence.

11. The October 22 Letter did not address or respond to any of the disciplinary issues raised in the First Request, namely, whether the Respondent's sending of the October 7 Letter was a violation of Rules 3.5, 8.2, or 8.4(d).

12. In response to the October 22 Letter, the ODC sent a letter to the Respondent, dated october 27, 1992 (the "Second Request"0, explaining the purpose for the ODC's previously-sent "routine request" for a written response regarding the Respondent's sending of the October 7 Letter, explaining the obligation of all Delaware attorneys to respond to such requests, explaining certain matters regarding the sending of carbon copy letters, explaining the procedure for filing a misconduct complaint against a member of the judiciary, explaining the procedure

for filing a disciplinary complaint against disciplinary counsel, and requesting once again a written response to the specific disciplinary issues raised in the First Request.

13. The Respondent did not respond to the Second Request.

14. Since the ODC had received no response from the Respondent by the end of November, 1992, nor any request for an extension of time to respond, the ODC sent another letter to the Respondent, dated December 1, 1992 (the "Third Request"), once again asking for the Respondent's written response to the specific disciplinary issues raised in the First Request, and setting a new deadline for such response of December 29, 1992.

15. The Third Request contained the following explicit warning to the Respondent of the consequences of his continued failure to respond to the ODC: "Accordingly, I will ask one more

time for your written response to my letter to you of October 21, 1992. if I do not receive your written response to my routine request by Tuesday, December 29, 1992, I will be forced to complete my evaluation of this disciplinary matter without the benefit of your input, and will also be forced to conclude that you are knowingly violating Rule 8.1(b)."

16. The Respondent did not respond to the Third Request.

* * * * *

COUNT ONE: ENGAGING IN UNDIGNIFIED OR DISCOURTEOUS CONDUCT WHICH IS DEGRADING TO A TRIBUNAL

17. The acts of the Respondent alleged in Paragraphs 4, 5, and 6 above indicate and constitute a violation of Rule 3.5(c), which states that a lawyer shall not engage in undignified or discourteous conduct which is degrading to a tribunal.

COUNT TWO: MAKING FALSE OR RECKLESS STATEMENTS CONCERNING THE

QUALIFICATIONS OR INTEGRITY OF A JUDGE

18. The acts of the Respondent alleged in Paragraphs 4, 5, and 6 above indicate and constitute a violation of Rule 8.2, which states that a lawyer shall not make a statement the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge.

COUNT THREE: ENGAGING IN CONDUCT THAT IS PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE

19. The acts of the Respondent alleged in Paragraphs 3, 4, 5, and 6 above indicate and constitute a violation of Rule 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

COUNT FOUR: KNOWINGLY FAILING TO RESPOND TO A LAWFUL DEMAND FOR INFORMATION FROM A DISCIPLINARY AUTHORITY

20. The acts of the Respondent alleged in Paragraphs 8 through 16 above indicate and constitute a violation of Rule 8.1(b), which states a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority.

...

Dated this 2nd day of August, 1993.

OFFICE OF DISCIPLINARY COUNSEL

S/ David C. Johnson-Glebe

David C. Johnson-Glebe
Deputy Disciplinary Counsel
831 Tatnall Street
P.O. Box 1808
Wilmington, Delaware 19899
(302) 571-8703

BOARD ON PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF THE STATE OF DELAWARE

In the Matter of a Member of the Bar of the Supreme Court of the State of Delaware:	)	Board
	)	Case No.
SAMUEL L. GUY	)	55, 1992
Respondent.	)	

RESPONSE TO PETITION FOR DISCIPLINE

1. Admitted.
2. Admitted.
3. Respondent presently has insufficient information to admit or deny this paragraph.
4. Denied.
5. Admitted.
6. Denied.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Denied.
12. Admitted.
13. Denied.

APPENDIX I

14. Denied.
15. Admitted.
16. Denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.

Respondent further avers that this case is part of a conspiracy to prevent me from exercising my rights of free speech, due process, and equal protection(State and Federal), rights that are not recognized by the State of Delaware for black citizens such as I.

s/ Samuel L. Guy

Samuel L. Guy, Esquire
SAMUEL L. GUY
ATTORNEY AT LAW
P.O. Box 25464
Wilmington, DE 19899
November 7, 1993

Samuel L. Guy
Attorney-At-Law
April 12, 1995
Supreme Court Of The State Of Delaware
Dover, Delaware

RE: OBJECTIONS-BOARD CASE NO. 55, 1992

Dear Court:

Delaware's legal community is attempting to do several unjust things to me. The decision in this case attempts to make me pay the costs of an unjust harassment directed towards me. ODC knows full well that I do not have any money. The only objective is to suspend me or disbar me for not being able to pay the costs. ODC seeks a public reprimand because it wants to make sure that I do not obtain gainful employment and to discourage people from having me represent them. The Board wants me to apologize to the Supreme Court for being victimized and for complaining about it to the appropriate person, the Chief

Justice, who under Delaware's Constitution is responsible for the administration of the Courts. The harassment intended is blatant because the requested apology in the order is to be directed to the entire Supreme Court. In reality, the Chief Justice should apologize to me because to this date the complaints made in my letter have not been investigated. Instead the Supreme Court ordered ODC and the Board to convict me and they have done so. They have no choice but to follow the orders of the persons who they answer to and who can have them removed form their positions of power. Given the origins of this case, how could I expect to have anything other than the present outcome. The message is clear. Delaware Law is that black people have no right to complain when being harassed by white people in power. White people in power refuse to investigate race based wrongdoing of its colleagues. When it is

investigated everybody acts like they can not see anything. The fact that the Board decision orders an apology to the Supreme Court shows something crooked is going on. The letter I sent went to the Chief Justice and no one else. If the letter is so inappropriate, why would a Board issues a decision that requires that the letter be made available to the public. I stand by the letter as the truth and also assert my right to free speech, particularly when the letter only went to one person who is supposed to have the matters investigated.

Once again the disciplinary process is denying me an opportunity to have access to a transcript. I can not afford one and the Board has previously refused me access to the Board case file.

I was not allowed to have a evidentiary hearing in this case. This was done to protect my accusers from having to testify and to prevent me from having an

opportunity to testify.

I was not allowed to subpoena the witnesses I needed at the sanctions hearing for the reasons outlined above.

THE ODC lied when it said I did not cooperate. The ODC unethically withheld from the PRC the fact that we agreed for me to come to the ODC office so he could question me under oath since ODC was attempting to dictate to me how to respond to it's inquiry. ODC covered up the transcript until I brought it to the attention of the Board. Of course, I was never allowed access to the transcript prior to use in defending myself.

I reassert all of the issues raised from the beginning of this case to the present.

Sincerely,

s/ Samuel L. Guy

Samuel L. Guy, Esq.

SLG:bms

Samuel L. Guy
Attorney At Law
May 8, 1995
Supreme Court of Delaware
State Building
Wilmington, DE 19801

RE: In the Matter of Guy, No. 138, 1995

Dear Court:

The State of Delaware through its various components has made it crystal clear that there is a special law in Delaware that does not allow me, as a black man, to exercise my right to free speech. it is based in a racism that generally refuses to listed to anything that a black person in Delaware has to say. Therefore, it is senseless for me to waste time and resources attempting to defend myself for telling the truth and exercising the freedom of speech under the Delaware and U.S. Constitution that white people are allowed to exercise.

For the reasons stated above,

and other reasons as well, I will not be filing an opening brief and appendix. I reassert any and all arguments that are presently in the record including those arguments made in the deposition that ODC failed to disclose to the Preliminary Review Committee because they were exculpatory in nature.

The bottom line is that once government takes away citizens free speech rights, citizens can not defend themselves nor can citizens bring corruption to the attention of government. In such an environment corruption and oppression of the citizenry will flourish.

In time, the corrupt and oppressive harassment directed at me will boomerang around on the people involved.

Sincerely,

s/ Samuel L. Guy

Samuel L. Guy, Esq.

SLG:bms

cc: David C. Glebe, Esq., ODC

SUPREME COURT OF DELAWARE

May 16, 1995

Samuel L. Guy, Esquire
P.O. Box 25464
Wilmington, DE 19899

David C. Glebe, Esquire
Disciplinary Counsel
P.O. Box 472
Wilmington, DE 19899

Re: In the Matter of Guy, No. 138, 1995

Counselors:

Please be advised that Mr. Guy's letter of May 8, 1995 shall be deemed to be the opening brief and appendix in this matter, although it does not comply with the Court Rules. Therefore, Disciplinary Counsel is to file an answering memorandum, not to exceed 10 pages in length, on or before June 15, 1995.

Very truly yours,
s/ Cathy L. Howard
/clh

APPENDIX L